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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, *ex rel.*,
Joshua Luke,

Plaintiff,

v.

HEALTHSOUTH CORPORATION,
HEALTHSOUTH OF HENDERSON, INC. and
KENNETH BOWMAN,

Defendants.

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*Attorneys for Defendants HealthSouth Corp.
And HealthSouth of Henderson, Inc.*

Case No.: 2:13-cv-01319-APG-VCF

**JOINT STIPULATION AND [PROPOSED]
ORDER VACATING HEARING ON
DEFENDANTS' OBJECTIONS TO
SPECIAL MASTER'S ORDER**

Hon. Cam Ferenbach

1 Plaintiff-Relator Joshua Luke (“Plaintiff”), as relator in this action, Defendants HealthSouth
2 Corporation (“HealthSouth”) and HealthSouth of Henderson, Inc. (“HealthSouth Henderson”)
3 (collectively, “HealthSouth Defendants”), and Defendant Kenneth Bowman (“Bowman”) by and
4 through their undersigned counsel, state as follows:

5 1. Whereas, the Court appointed a Special Master to oversee the discovery process on
6 April 17, 2019 (Dkt. # 185);

7 2. Whereas, the Court appointed David M. Tenner as Special Master pursuant to the
8 Parties’ Joint Stipulation Concerning the Appointment of a Special Master (Dkt. #198);

9 3. Whereas, the Special Master’s Order re: Plaintiff’s Motion to Compel and Joint
10 Proposed Revised Scheduling Order (“Special Master’s Order”) (Dkt. #213) was issued in writing on
11 July 19, 2019, and stated that the rulings therein “were made effective as of the date of the hearing,
12 July 10, 2019”;

13 4. Whereas, the Special Master’s Order set forth various deadlines related to discovery,
14 including: (i) all responsive documents shall be produced by August 20, 2019; (ii) Plaintiff shall be
15 entitled to take the Rule 30(b)(6) deposition of Defendant HealthSouth on or before September 10,
16 2019; and (iii) the Parties shall file a Stipulated Revised Scheduling Order or Status Report on or
17 before September 10, 2019;

18 5. Whereas, the HealthSouth Defendants filed their objections to the Special Master’s
19 Order on July 26, 2019 (Dkt. 216);

20 6. Whereas, Plaintiff filed his Opposition to Defendants’ Objections to the
21 Special Master’s Ruling on August 9, 2019 (Dkt. 220);

22 7. Whereas, on August 13, 2019, the Court issued an order setting a hearing on
23 Defendants’ Objections to Special Master’s Order for September 6, 2019 (Dkt. 222);

24 8. Whereas, during the course of a joint meeting that took place on August 13, 2019, the
25 Parties and the United States Department of Justice (“DOJ”) arrived at a tentative settlement to resolve
26 this action which they are currently in the process of finalizing;

27 9. Whereas, in light of the tentative settlement that was reached at the August 13, 2019
28 meeting and the ongoing efforts by the Parties and the DOJ to reach a final settlement that will resolve

1 this action, the Parties wish to take the hearing on Defendants' Objections to Special Master's Order
2 off calendar until further notice.

3 Accordingly, the Parties to this stipulation hereby stipulate and agree to the entry of an order
4 by the Court vacating the hearing on Defendants' Objections to Special Master's Order set for
5 September 6, 2019 until further notice. Within 28 days of the entry of this order, the Parties shall
6 report back to the Court on the status of the settlement discussions and whether it is necessary to
7 reschedule the hearing on Defendants' Objections to Special Master's Order.

8 This stipulation is made in good faith, not interposed for delay, and not filed for an improper
9 purpose.

11 DATED this 27th day of August, 2019.

12 **PISANELLI BICE PLLC**

13 /s/ James J. Pisanelli

14 JAMES J. PISANELLI, ESQ.

15 Nevada Bar No. 4027

16 400 S. 7th Street, Suite 300

17 Las Vegas, NV 89101

DATED this 27th day of August, 2019.

**THORNDAL, ARMSTRONG, DELK,
BALKENBUSH & EISINGER**

/s/ Philip Goodhart

PHILIP GOODHART, ESQ.

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18 DATED this 27th day of August, 2019.

19 **REED SMITH LLP**

20 /s/ James L. Sanders

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DATED this 27th day of August, 2019.

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/s/ Merrill Hirsh

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23 *and HealthSouth of Henderson, Inc.*

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DATED this 27th day of August, 2019.

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Attorneys for Relator Joshua Luke

IT IS HEREBY ORDERED that the parties must
file a status report on or before September 24, 2019.

IT IS SO ORDERED:


MAGISTRATE JUDGE CAM FERENBACH

8-27-2019

DATED: _____

CASE NO.: 2:13-cv-01319-APG-VCF

CERTIFICATE OF SERVICE

I certify that on August 27, 2019, a copy of this document was filed using the Court's CM/ECF system. Copies of this document have been served by electronic means on all registered users of the Court's CM/ECF system who have appeared in this case.

/s/ James L. Sanders
James L. Sanders